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CONCORD, N.H.

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April 7

Dr. Hilton C. Buley, Commissioner  
Department of Education  
State House Annex  
Concord, New Hampshire

Dear Mr. Buley:

You have inquired as to whether or not a school district may purchase accident insurance for pupils. It is the opinion of this office that tax money may not be used for such purposes.

R. L., c. 138, s. 3 as amended by Laws of 1951, c. 211, states in effect that school districts may purchase insurance against such risks of loss, cost or damage to itself, its employees or its pupils as its school board may determine. This chapter, considered alone, seems to indicate that such insurance as you suggest may be purchased under this amendment. However, there is a strong question as to the constitutionality of such an interpretation as this, based on the premise that public money may not be used for a private purpose.

In addition to the above we must consider also R. L., c. 329, s. 2-a as inserted by Laws of 1951, c. 197, which provides in the first instance that the state or any political subdivision thereof, including school districts, may procure the policies of insurance described in s. 1 of said c. 329. Reference to this chapter discloses that a liability type insurance policy is the only type referred to and accident insurance is not included. For these reasons I consider it doubtful that the legislature intended to provide that school districts could purchase insurance to protect others.

Very truly yours,

Arthur E. Bean, Jr.  
Assistant Attorney General

AEB, Jr/T